

## **§ 35.6750**

comply with the requirements regarding records access described in 40 CFR 31.36(i)(10).

### **OTHER ADMINISTRATIVE REQUIREMENTS FOR COOPERATIVE AGREEMENTS**

#### **§ 35.6750 Modifications.**

The recipient must comply with the requirements regarding changes to the Cooperative Agreement described in 40 CFR 31.30.

#### **§ 35.6755 Monitoring program performance.**

The recipient must comply with the requirements regarding program performance monitoring described in 40 CFR 31.40 (a) and (e).

#### **§ 35.6760 Enforcement and termination for convenience.**

The recipient must comply with all terms and conditions in the Cooperative Agreement, and is subject to the requirements regarding enforcement of the terms of an award and termination for convenience described in 40 CFR 31.43 and 31.44.

#### **§ 35.6765 Non-Federal audit.**

The recipient must comply with the requirements regarding non-Federal audits described in 40 CFR 31.26.

#### **§ 35.6770 Disputes.**

The recipient must comply with the requirements regarding dispute resolution procedures described in 40 CFR 31.70.

#### **§ 35.6775 Exclusion of third-party benefits.**

The Cooperative Agreement benefits only the signatories to the Cooperative Agreement.

#### **§ 35.6780 Closeout.**

(a) Closeout of a Cooperative Agreement, or an activity under a Cooperative Agreement, can take place in the following situations:

(1) After the completion of all work for a response activity at a site; or

(2) After all activities under a Cooperative Agreement have been completed; or

(3) Upon termination of the Cooperative Agreement.

## **40 CFR Ch. I (7–1–10 Edition)**

(b) The recipient must comply with the closeout requirements described in 40 CFR 31.50 and 31.51.

(c) After closeout, EPA may monitor the recipients' compliance with the assurance to provide all future operation and maintenance as required by CERCLA section 104(c) and addressed in 40 CFR 300.510(c)(1) of the NCP.

#### **§ 35.6785 Collection of amounts due.**

The recipient must comply with the requirements described in 40 CFR 31.52, regarding collection of amounts due.

#### **§ 35.6790 High risk recipients.**

If EPA determines that a recipient is not responsible, EPA may impose restrictions on the award as described in 40 CFR 31.12.

### **REQUIREMENTS FOR ADMINISTERING A SUPERFUND STATE CONTRACT (SSC)**

#### **§ 35.6800 Superfund State Contract.**

A Superfund State Contract (SSC) with a State is required before EPA can obligate or expend funds for a remedial action at a site within the State and before EPA or a political subdivision can conduct the remedial action. An SSC also ensures State or Indian Tribe involvement consistent with CERCLA sections 121(f) and 126, respectively, and obtains the required section 104 assurances (*See* § 35.6105(b)). An SSC may also be used to document the roles and responsibilities of a State, Indian Tribe, and political subdivision during any response action at a site. A political subdivision may be a signatory to the SSC.

#### **§ 35.6805 Contents of an SSC.**

The SSC must include the following provisions:

(a) *General authorities*, which documents the relevant statutes and regulations (of each government entity that is a party to the contract) governing the contract.

(b) *Purpose of the SSC*, which describes the response activities to be conducted and the benefits to be derived.

(c) *Negation of agency relationship between the signatories*, which states that no signatory of the SSC can represent